



MUMBAI

American Center ★ ★ ★ ★ ★ Bulletin

APRIL
2009

INTELLECTUAL PROPERTY RIGHTS BY SHENOA SIMPSON

Intellectual Property Rights: Why Should It Matter To You?

It can be difficult to navigate the legal jargon that inherently comes with discussing intellectual property rights – IPR for short. The ideas and terminology are evident for professionals in the field, whereas they are not for everyone else. This becomes a problem because one of the key goals of intellectual property rights is to raise awareness among the general public. While many flashy advertisements in movie theaters tote the slogan “stealing is wrong,” some in the theater wonder quietly to themselves why cheaper DVDs are considered stealing, or what is wrong with it. Taking the discussion to another level might provide more insight into what Intellectual Property Rights do and why enforcing IPR is important to India.

IPR discussions can be very controversial because industries and governments say that the issue is about product quality and fair trade. Whereas, some groups and individuals argue that developed countries benefit more than developing countries from a global standardized IPR regime. Use of the phrase “IPR regime” refers to the enforcement and legal system mandated in any given country. For example, a country with a strong IPR regime would be able to hold its homegrown industries to a global standard of IPR law and provide timely due process for violations of those laws within its boundaries. Ideally, for example, in country X, if company Y claimed that company Z was using its logo or product, country X would have a law declaring that act illegal, the police would become involved to evaluate evidence, the case would go to trial, and a fair verdict would be given by the court in a timely manner. However, most countries have a weak IPR regime. In those countries, company Y would not have a police force interested in IPR or capable of investigating the violation. The courts would not care to hear the case against company Z and the case would spend several years pending a hearing. Country X might not even have any IPR laws to serve as a basis for a court case. Company Y then would have to decide whether or not to do business in country X and risk losing revenue to a counterfeit or stolen product.

Currently in India, IPR violations are high, and the IPR regime is not as strong as it could be. Violations occur not only in the media and entertainment field, but also in automobile parts, consumer products, agriculture, pharmaceutical drugs, information technology, and software, just to name a few. The biggest losses for

India come from the media and entertainment industry where 50 percent of music CDs and 60 percent of movie DVDs sold on the streets are pirated. With a flourishing industry that has such a wide audience around the world, business organizations say this translates into a loss of four billion dollars and more than 800,000 jobs. Other organizations say that the counterfeit market exists because people cannot afford to pay the prices the industry charges and that their business model is unfair. Both arguments have supporters, but increasingly, it is less attractive to do business where IPR is not enforced. Governments and world organizations increasingly seek to make unfair IPR practices more transparent and build stronger IPR regimes for every country.

Two of the most important processes for mandating strong IPR regimes are the Special 301 Process and TRIPS. Governments of many countries are rewarded and punished based on their ability to meet the requirements of both programs. The Special 301 process is a U.S. Government-based initiative and TRIPS is a World Trade Organization (WTO)-based initiative.

The Special 301 Process is a program run by the United States Trade Representative’s (USTR) Office. Each year, USTR asks the Department of State, foreign governments, and industry groups to provide feedback on how each country’s IPR laws and efforts are performing. Based on those reports, countries can be assigned to one of two lists, or be removed from the lists all together if they have performed well that year. The two lists are Watch List and Priority Watch List. If a country is in serious violation of IPR laws, then the U.S. can impose trade sanctions against the country. The Special 301 process is designed to identify countries with relatively weak IPR regimes without having to levy trade sanctions. Although the program appears to lack teeth, it would be more damaging for bilateral trade relationships to constantly impose trade sanctions because of IPR violations. The reports have impact because industries and governments read the reports, violations are more transparent, and business people can make more informed decisions.

The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was finalized in 1994, and sets the minimum global standards for IPR. Typically, the standard of IPR laws the United States wants tends to be higher than those set under TRIPS.

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The American Center
4 New Marine Lines, Mumbai 400 020
Tel: 2262-4590; Fax: 2262-4595
E-mail: MumbaiPublicAffairs@state.gov
Website: <http://mumbai.usconsulate.gov>
Office Hours: 8:30 a.m. to 5:00 p.m.
(Monday through Friday)

HOLIDAYS

April 10: Good Friday

A WORD FROM THE CENTER

Hello from Mumbai!

All around the city there is the buzz of exam fever in the air. To all of you who have students sitting for exams or waiting for results, good luck from all of us here at the Consulate. The best part of exam time is that it leads to vacation and some much-needed rest for students and parents. In the spirit of this month's bulletin topic, we hope that when free time allows, you'll take a look at our new technology initiative – our own U.S. Consulate General Mumbai Facebook page. The address is <http://www.facebook.com/pages/US-Consulate-General-Mumbai-India/57537742555>.

We look forward to many of you joining as friends and making suggestions on the Facebook site to our postings and events. It is a new venture so very much a work in progress and we hope that our Western India family enjoys this new mode of communicating. With so many "friends" already online, we are feeling very popular indeed.

Also in this month's bulletin are our upcoming events, including films and the monthly favorite, the Mumbai Monday lecture. We do hope you will visit us in person at New Marine Lines, or virtually on our web site and our new Facebook page.

Have a great month!

Sincerely,

Lynne Gadkowski
Deputy Director

(Continued from page 1)

Countries that want to be a part of the WTO must enact legislation enforcing IPR in their country according to TRIPS standards. TRIPS also has impact because countries can settle claims against one another through the WTO's dispute settlement process.

This past January, the U.S. won a dispute against China through the WTO process. The U.S. claimed that China's legal regime was not consistent with the standards set forth under TRIPS. The dispute settlement process was not quick, but it also did not take an excessive amount of time to reach a decision. In April 2007, the United States initiated the case and in September 2007, the WTO set up a panel to hear the dispute. During that process, the U.S. held lengthy bilateral discussions to resolve the issues. However, the WTO process was able to reach a decision before those discussions were resolved. This was a landmark case because no one expected the U.S. to win, since China is the number one country on the WTO Priority Watch List and China has largely ignored cries to strengthen its IPR regime.

Although IPR discussions and decisions appear to be held at only high levels, it is important to understand what the implications are for individuals, the businesses they run, and the countries they live in. IPR is especially important to India because the country has so many important trade relationships around the world and many more new products and ideas created everyday.

Shenoa Simpson works at the American Consulate General, Mumbai

American Corner Programs

Ahmedabad Management Association, ATIRA Premises,
Dr. Vikram Sarabhai Marg, Ahmedabad 380 015
Tel: (079) 2630-0452

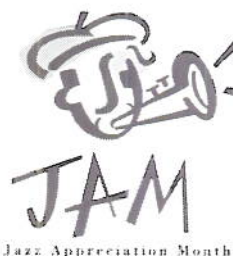
April 6-24

Writing Workshop by English Language Fellow Julie Ciancio
For details, please contact: language.and.culture@gmail.com

In celebration of
Jazz Appreciation Month (JAM) April 2009

**The American Center presents
feature films on jazz
in the**

American Center Auditorium



Jazz Appreciation Month (JAM) showcases the glories of jazz as both a historical and a living treasure. In the U.S., musicians, concert halls, schools, colleges, museums, libraries, and public broadcasters offer special programs on jazz every April.

In celebration of JAM, the American Center will screen fantastic Hollywood jazz films twice daily in the auditorium. There will also be expert discussions on jazz on April 22 and 23. All events are free and open to the public on a first-come, first-served basis. Please RSVP to Ashwati Bharadwaj (2262-4590, ext. 2253).

April 15 at 3:00 p.m. and 6:30 p.m.

All That Jazz (1979, 123 mins)

All That Jazz is an American musical film directed by Bob Fosse. The screenplay by Robert Alan Arthur and Fosse is a semiautobiographical fantasy based on aspects of the dancer, choreographer, and director's life and career. The film was inspired by Fosse's manic effort to edit his film *Lenny* while simultaneously staging his 1975 Broadway musical *Chicago*. It borrows its title from a Kander and Ebb tune in that production. It won four Academy Awards, and was nominated for an additional five.

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NOTES FROM THE AMERICAN LIBRARY

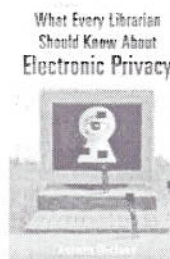
A Select List of Books on Technology and Commerce (Social Networks, Cyber Crime, IPR)



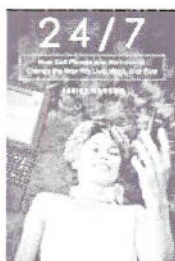
Combating Piracy: Intellectual Property Theft and Fraud
Edited by **Jay S. Albanese**
Transaction Publishers, 2007
(364.163 COM)

A much-needed overview of a growing crime problem: intellectual property theft and fraud. It examines the historical background and common definitions of such crimes, explains their extent and impact, and provides meaningful recommendations for addressing the problem.

What Every Librarian Should Know about Electronic Privacy
by **Jeannette Woodward**
Libraries Unlimited, Greenwood Publishing Group, 2007
(025.5 WOO)



Library computer users may not be aware that even seemingly innocuous information supplied to web sites can be mined by unscrupulous businesses, and others. The recent discovery that Internet service providers have been supplying vast quantities of data to criminals and to government agencies without the public's knowledge brought this threat dramatically to light.



24/7: How Cell Phones and the Internet Change the Way We Live, Work, and Play
by **Jarice Hanson**
Praeger, 2007
(303.4833 HAN)

The book deals with the nature of how American culture is changing in response to the way cell phones and the Internet have become critical technologies in contemporary life. It examines the new attitudes, behavior, and values, and outlines the direction of cultural change taking place in society.

Blogging and RSS: A Librarian's Guide
by **Michael P. Sauers**
Information Today, Inc., 2006
(025.04 SAU)



In this helpful book, the author shows how blogging and RSS technology can be easily and effectively used in the context of a library community.

Note: The library subscribes to several on-line databases providing access to hundreds of peer reviewed periodicals. For more details, please contact the Information Desk.

Additional Resources on Technology and Commerce (Social Networks, Cyber Crime, IPR) A Select List of DVDs and Videos

Cyberbullies (2006, 25 mins) (DVD 302.3 C'YB)

Copyright's Highway: A Tour of Intellectual Property Rights in the Electronic Age (1996, 54 mins) (VTC 346.73048 COP)

Losing Your Mind? (3 Parts, 1997, 28 mins each) (658.4038 LOS)

MUMBAI MONDAYS

A Discussion on
A Series of Tubes: A History of the Internet
led by Kanishka Gangopadhyay

Monday, April 20

American Center Auditorium

6:00 p.m.

Kanishka Gangopadhyay joined the State Department in 2005. He is currently working at the Consulate in Mumbai, and had previously served in Islamabad and in Washington, D.C.

For better or worse, the Internet has changed the way the world sees information. We're living in a time where information traverses continents instantaneously, where one person can reach millions with the click of a button, and where new technologies are changing the way movies, books, and music are distributed. It's hard to believe this complex and sometimes invisible technology had its humble beginnings as a speculative memo from the U.S. Department of Defense and vacuum tube arrays in four American university basements in the 1960s. This talk will cover the Internet's history as it goes from a series of tubes to an inescapable part of daily life. The story is one of democratic innovation, written by college dropouts, Harvard professors, top military scientists, and average users who collectively have enabled a technology that rivals the printing press in its contribution to the world.

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April 22 at 3:30 p.m.* and 6:30 p.m.

Round Midnight (1986, 131 mins)

A drama as smooth as a solo sax, set in 1950's Paris, about a friendship between an aging African-American jazz musician and a young artist. Directed by Bertrand Tavernier, *Round Midnight* stars Oscar nominee Dexter Gordon, Francois Cluzet and Martin Scorsese.

*The 3:30 p.m. screening will be followed by a talk on jazz by John Kauffman beginning at 5:40 p.m.

John Kauffman is an American jazz aficionado. He was born in Philadelphia (home of the jazz pianist McCoy Tyner, saxophonist Stan Getz and the great drummer Philly Joe Jones). John's primary interest is in jazz fusion as it has developed from the recordings of Miles Davis in the early 1970s. From this band arose the musicians that would develop the genre for the next decades, including Wayne Shorter (who was in Mumbai in 2007), John McLaughlin, Joel Zawinul and Billy Cobham. Of particular interest to John is Chick Corea, a pianist and composer from Massachusetts who led bands in both acoustic and electric jazz as well as composing orchestral pieces. John continues to subscribe to releases of new CDs and encourages people to explore jazz until they find their own favorite niche within this great American music form.

April 23 at 3:00 p.m.** and 6:30 p.m.

Bird (1988, 160 mins)

Clint Eastwood's perceptive portrait of jazz legend Charlie Parker. Evoking the smoky night clubs and hotel rooms that Parker inhabited, the film stars Forest Whitaker who turns in a virtuoso performance as Parker.

**The 3:00 p.m. screening will be followed by a talk on jazz by Robert Giallongo beginning at 5:40 p.m.

Robert Giallongo grew up in the Boston area. He has a B.S. in Biology from Boston College, and Master's degrees in Nursing, and Public Health, both from Yale University. Rob's parents, both lifelong jazz fans, took him to his first cramped, smoky, dimly-lit jazz club at the age of five. Rob always considered jazz "his parents' music," though he kept coming back to listen to it time and again. As a young man, he spent many hours listening to rock music on LP records, 8-track and cassette tapes, and in the many music clubs of Boston. Rob's musical tastes range from Jimi Hendrix, Stevie Wonder, and Elvis Costello, to B. B. King, Illinois Jacquet, and Joshua Redman. Ask him now and he will claim rock, jazz, blues, and R&B all as "his music!"

For more information about JAM, please log on to http://www.smithsonianjazz.org/jam/jam_start.asp

FILMS THIS MONTH

Friday, April 17

The Matrix (1999, 136 mins)

Friday, April 24

Star Wars: Episode IV (1977, 127 mins)

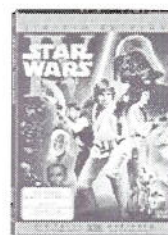
American Center Auditorium

3:30 and 6:30 p.m.



Slam-bang cyber-action, starring Keanu Reeves as a computer hacker told by rebels Laurence Fishburne and Carrie-Anne Moss that the world, as he knows it, is actually a form of virtual reality. Reeves is enlisted to use his intelligence and strength to topple the oppressive computer-run powers that control the world. Joe Pantoliano and Hugo Weaving costar.

George Lucas' landmark sci-fi epic follows young farm boy Luke Skywalker as he joins space smuggler Han Solo, giant Wookiee Chewbacca, droids C-3PO and R2-D2, and aged Jedi Knight Obi-Wan Kenobi on a thrilling adventure to rescue the beautiful Princess Leia and aid the fledgling Rebel Alliance in their struggle against Darth Vader and the evil galactic Empire. Mark Hamill, Harrison Ford, Carrie Fisher, Peter Cushing, and Alec Guinness star.



Edited and designed by Robyn Remeika and Rizwana Sayed
Copy edited by Eva Doctor
Printed by Colorpoint, S. J. Marg, Lower Parel, Mumbai 400 013

Admission to all American Center programs, restricted to persons over 16, will be on a first-come, first-served basis. The auditorium doors will open 30 minutes before the start of the program.